

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:21 CR 578
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
DAVID ANTHONY GAGE SMITH,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Jonathan D. Greenberg, regarding the change of plea hearing of David Anthony Gage Smith, which was referred to the Magistrate Judge with the consent of the parties.

On August 11, 2021 the government filed a 3 count Indictment, charging Defendant Gage Smith with Manufacture of Dimethyltryptamine, in violation of Title 21 U.S.C. § 841(a)(1) and (b)(1)(C), Felon in Possession of a Firearm and Ammunition, in violation of Title 18 U.S.C. § 922(g)(1) and 924(a)(2), and Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of Title 18 §§ 924(c)(1)(A)(I). Defendant was arraigned on August 17, 2021 before then Magistrate Judge David A. Ruiz. On April 7, 2022, Magistrate Judge Greenberg received Defendant Gage Smith's plea of guilty to counts 1, 2 and 3 of the Indictment, with a written plea agreement, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Gage

Smith is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant David Anthony Gage Smith is adjudged guilty to counts 1, 2 and 3 of the Indictment, in violation of Titles 21 U.S.C. §§ 841(a)(1), and (b)(1)(C), 18 U.S.C. 922(g)(1) and 924(a)(2), and 924(c)(1)(A)(i). This matter was referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on July 28, 2022 at 10:30 a.m. in Courtroom 19A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

April 28, 2022